

Notice of Allowability

Application No.

09/912,078

Examiner

Lulit Semunegus

Applicant(s)

BACON, RICHARD J.

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 20, 2004.
2. ☒ The allowed claim(s) is/are 1, 3-10 and 34-45.
3. ☒ The drawings filed on 24 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. The appeal is dismissed because of the following examiner's amendment.

Claims 1, 3-10 and 34-45 are allowed.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mike DeSanctis on 9/17/04.

The application has been amended as follows:

4. (Currently Amended) A jet aircraft configuration comprising:
 - (a) an airframe having a centerline along its longitudinal axis;
 - (b) a first jet engine mounted to the airframe and intersected by a plane vertical to the centerline; and
 - (c) a second jet engine mounted to the airframe and intersected by the plane vertical to the centerline, the second jet engine ~~being substantially identical to the first jet engine but~~ having a lesser maximum thrust than the maximum thrust of the first jet engine as a result of limiting the second jet engine's maximum thrust capability, but otherwise being equally powered.
34. (Currently Amended) A jet aircraft configuration comprising:
 - (a) an airframe;

(b) an engine means, including two or more equally powered jet engines mounted to the airframe, for producing centerline thrust; and

(c) a means for creating an engine thrust differential between the two or more equally powered jet engines during one or more flight segments in which the two or more equally powered jet engines all remain operating.

35. (Currently Amended) The jet aircraft configuration of claim 34, wherein the means for creating an engine thrust differential comprises setting the two or more equally powered jet engines to run at different power settings.

36. (Currently Amended) The jet aircraft configuration of claim 34, wherein the means for creating an engine thrust differential comprises limiting at least one of the two or more equally powered jet engines from its maximum thrust capability.

37. (Currently Amended) The jet aircraft configuration of claim 36, wherein said limiting is accomplished by down-rating the at least one of the two or more equally powered jet engines.

38. (Currently Amended) The jet aircraft configuration of claim 34, wherein one of the ~~at least two~~ or more equally powered jet engines has a maximum thrust greater than the maximum thrust of the other of the ~~at least two~~ or more equally powered jet engines.

39. (Currently Amended) The jet aircraft configuration of claim 34, wherein the ~~at least two~~ or more equally powered jet engines have substantially the same maximum thrust capability.

40. (Currently Amended) The jet aircraft configuration of claim 34, wherein a combined actual thrust of the ~~at least two~~ or more equally powered jet

engines is substantially within the range of 1.6 times to 4 times that of a single conventional twin aircraft engine.

41. (Currently Amended) The jet aircraft configuration of claim 40, wherein the combined effective thrust of the ~~at least two~~ or more equally powered jet engines is greater than or equal to that of the single conventional twin aircraft.
42. (Currently Amended) A jet aircraft configuration comprising:
 - (a) an airframe having a centerline along its longitudinal axis;
 - (b) a first jet engine mounted to the airframe and intersected by a plane vertical to the centerline; and
 - (c) a second jet engine mounted to the airframe and intersected by the plane vertical to the centerline, the second jet engine being equally powered to the first jet engine but having a lesser or equal thrust capability than the first jet engine as a result of limiting the second jet engine's maximum thrust capability.
44. (Currently Amended) A jet aircraft configuration comprising:
 - (a) an airframe having a centerline along its longitudinal axis;
 - (b) a pair of jet engines mounted to the airframe and intersected by a plane vertical to the centerline to produce centerline thrust;
 - (c) each of the jet engines of the pair of jet engines being ~~substantially identical~~ equally powered but have differing maximum thrust capabilities as a result of limiting the maximum thrust capability of at least one of the jet engines of the pair of jet engines; and

(d) each of the jet engines of the pair of jet engines capable of responding to independent thrust control during one or more flight segments.

2. The following is an examiner's statement of reasons for allowance: Upon review of the application filed on July 24, 2001 and the prior art of record no Jet aircraft configuration exists comprising an airframe having a centerline along its longitudinal axis with a first and second jet engines mounted within a plane vertical to the centerline and wherein the jet engines are equally powered engines.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/17/04

Lulit Semunegus
Examiner
Art Unit 3641


MICHAEL J. SEMUNEGUS
SUPERVISORY PATENT EXAMINER